

REMARKS / ARGUMENTS

In order to be responsive to the election requirement, Applicants elect, with traverse, the organic compound: dipropyleneglycol mono-n-propyl ether. Applicants furthermore respectfully submit that all of pending claims 70-112 are readable on the elected species.

The Examiner has indicated that the species are deemed to lack unity of invention. However, Applicants respectfully traverse this rejection on the following grounds.

In particular, the legal basis for a species election requirement exists only in Chapter 800 of the MPEP. However, pursuant to MPEP Section 1893.03(d) and 1896(IV), restriction practice under MPEP 800 is not applicable to U.S. national stage applications; rather only unity of invention rejections based upon 37 CFR 1.475 and 1.499 can be made against a U.S. national stage application. Thus, since the concept of a "species election" simply does not exist under unity of invention practice, it is respectfully submitted that the present species requirement lacks legal basis. Furthermore, the Examiner appears to be relying upon limitations that are recited only in the dependent claims in order to reject the independent claims for lack of unity; this also has no legal basis under the unity of invention rules (the Examiner's attention is furthermore directed to Annex B, unity of invention, of the Administrative instructions under the PCT, which state, among other things, that unity of invention has to be considered in the first place only in relation to the independent claims in an international application, and not the dependent claims).

Furthermore, Applicants respectfully submit that in order to be able to make a unity of invention rejection, the Examiner has the burden of showing that the independent claims lack a "special technical feature", which defines a contribution of each claimed invention, considered as a whole, over the prior art. In this regard, it is noted that independent claims 70, 83 and 97 share the following special technical features that contribute to the invention as compared to the closest prior art that was previously cited during examination of this application:

(i) contacting an object to be cleaned with a liquid cleaning composition comprising 65%-99% by weight water and at least one organic compound having lipophilic and hydrophilic groups, wherein the concentration of the at least one organic compound is greater than the solubility of the at least one organic compound in water, such that the liquid cleaning composition is a two-phase solution at a cleaning temperature, and

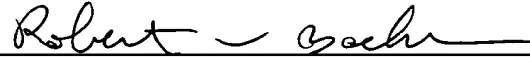
(ii) maintaining the liquid cleaning composition in the state of an emulsion, in which a plurality of organic-rich droplets are suspended in a continuous aqueous phase, for at least a portion of the time that the liquid cleaning composition contacts the object at the cleaning temperature, wherein both the organic-rich droplets and the continuous aqueous phase contact the object and both hydrophilic and hydrophobic contaminants are highly effectively removed from the object by the liquid cleaning composition.

The aforementioned special technical features are common to each of the three independent claims and are believed to define a contribution of each of these independent claims over the prior art, as was previously discussed at pages 13-16 of the Remarks filed with the Amendment dated 21 April 2003. Moreover, because the Examiner has failed to identify any prior art with respect to this unity of invention rejection (i.e., species election requirement), it is respectfully submitted that the Examiner has not satisfied his burden of demonstrating why at least one of the above-noted special technical features of the three independent claims does not provide a contribution to the invention, as compared to the closest prior art. In other words, it is respectfully submitted that any one of the above-noted shared technical features is sufficient to avoid a unity of invention rejection, if any one of the above-noted shared technical features imparts novelty to the independent claims as compared to the single closest prior art reference.

Applicants have attempted to be fully responsive to the outstanding Office Action. Therefore, especially in view of the age of this application, Applicants respectfully request substantive examination as soon as possible. In addition,

should the Examiner have any further comments or suggestions, or wish to discuss the merits of the application, the undersigned would very much welcome a telephone call from him in order to be able to expedite prosecution of this application.

Respectfully submitted,



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